Previous references.

62 - 1907 1908.

(Aug fair)

Later references.

File No. 632 - 08

Serial Nos. 1610

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1610

Part B. for April 17 11.

SUBJECT.

Revision Petition of Putta Joisa and the upadhyayas claiming their right to the timber trees standing on the inam lands endowed to Sri Rama Deva temple at Kalasi, Sagar Taluk

No 1 Petn dt 133 & 6.11.1908 from Putta Joisa and upadhyayas of Kalasi, Sagar Taluk praying for the reconsideration of the order No 1122 & 10.9.08 regarding the recovery of Rs 24-8-0 being the fine imposed upon them for felling trees on lands belonging to the temple

G. R. S. 58
Sd R to the D. (Asst Commr) Sagar Note
No 307 & 26.11.08
Requests to furnish description of the Vahivat of the case

03. From the Dy Comm Nec. Coga 3.6
No. 315/183 dy 3.12
Forwards the Ver. Records
relating to the review appeln
of Puttajois and others of
Kalasi –

Sl 4 To. The same No 727 dy 20.1.09
Enquires the practice
observed by the Upadhivantas
of the temples of Chandrasekhari
and Thikarpur re the
felling of trees &c –

Sl 5. From the same No 605/91
dy 11.5.1909.
Forwards copies of dockets
used from the Sub Dy Officers
on the subject of the practice
in the matter of appro
priating trees on the
inam lands &c –

Sl 6 To - The same No 520 dy 8.7.09
Calls for information
reg the tenancy of the
pattas to the lands, and the
purpose for wh the timbers
felled by them is wanted &c –

7. From the same No 255/170 dy 2.12.09
Reports that the Upadhivantas
hold the temple lands on
conditions &c –

Serial No.

may be stayed and that they may be given the benefit of a personal hearing at the time of the review of the order. when they will produce the documents in their possession in support of their rights to the timber on the Dwara lands of the temple

AD 24/11/08 Submitted for orders

24/11/08

[illegible] the 5th instant

24.11.08

AD Issue notices

[illegible]

Notices were accordingly issued under cover of an order to the Amildar of the Sagar Taluk and the Dy Comms was asked to re-transmit the Vernacular records on the subject

Notices have not as yet been returned served on the parties and the Dy Commissioner has submitted an ad-interim Report stating that if the records are received in time from the Sagar Sub Divisional office they will be sent up.

then DJ 2-12-1908 + 5/12/08

The case is to come off for hearing to-morrow. The 5th Decr last

AD 4/12/08 Submitted under cover of his letter

NOTE—Contn. sheet.

GPB—50,000—'3-5 08

(2)

Serial No.

No 315/183 Dt 3-12-1908, the Dy Commr has submitted the Vernacular records bearing on the subject

Submitted for orders

Parties absent Reject the Appeal

Under Secretary
4-12-1908

Dt 7.12.08

Note continued

The draft Endorsement rejecting the Renew-application of Putta gois and another was under issue In the meantime, they petitioned (7) -ed Govt with the certificate under date 3d January (December) 1908 obtained from the temple Dharmadarsi and the Village Patel. It is stated in the certificate that Putta gois was laid up with cold and fever and that Shankanappa was suffering from dysentry. for these reasons, the petn. prays that the case may be adjourned

Under-Secretary's order dated the 4th December on the Routine Note.-

"Has the draft rejecting the petition been issued? If not, do not issue. The Case to be adjourned to 9th instno.

The draft Endorsement as per

GPB—50 000—13-5-08

Serial No.

orders will not issue Submitted with draft notice

AD 11.12.09

Rubd
by 11 12 09

Parker Jas & Sankaran the petitioners thereon They have no documentary evidence to prove that they are entitled to take the tithes but they say that this is a hereditary right and that in Chandragiri also this right is enjoyed by the Upadhivarthas who have the Vahivat of the Temple Lands & paying 2 Fanams if the case.

Put up draft

9 1 (arg

Draft submd
by 11.12.09

By Millard

To, The Dy Commr Chittoor

Letter no 729 Dj 20 1 9

Enquires whether it is the practice with respect to the temples at Chandragiri and Srikalahasti for Upadhivarthas who enjoy temple lands to appropriate the Tithes thereon

From, the same officer.

Letter no 606 Dj 11-5-09

Flag R)

Submits copies of reports from the Sub Divisional officers of

Contn. sheet

Serial No.

Sagar and Shimoga on the subject

The Sagar Sub Dvl officer states that in the Sorab Taluk the trees in the temple lands are taken by the upadhivantas, while in Shikarpur, the manfruits are enjoyed by them the Shimoga Sub-Dvl officer states that the upadhivants in Shikarpur Taluk obtain permission for the removal of such trees

Submitted for orders

RV 26/8/09 W 26/8/09

Under Secretary's note

The question is whether temple servants Vants who enjoy Temple lands can appropriate for their use trees standing on such lands. Petr says that this is the custom and that therefore the order requiring them to pay the value of the trees should be rescinded. The Collr was asked to report if this is the custom. He has sent copies of the reports from the Divisional Officers from which it appears that in Sorab Taluk the temple servants or Upadhivants appropriate such trees while in the Shikarpur Taluk they obtain permission. I think the Collr's proposal is

NOTE—Contn. sheet.

GPB—30 000—13-5-08

G. R. S. 12]
General and Revenue Secretariat.

Revenue File No. 632 of 1908

Serial No.

Mr Secretary Edwards -

I am not aware of any decision of such Case. ~~It is however clear that in any~~ ~~this Kabza of this~~ I have known cases where Amildars have fined Ardals for removing trees from Temple lands.

Submitted to Board
Commissioner
Ambalavanar
27.5.09

605

Is there anything in the record to show on what kind of tenancy these men hold the lands under the temple? If they are permanent tenants (owners?), are they entitled to cut timber? (On this point, the Asst. Secy Jud. Dept., may kindly see some book on the Law of Landlord & Tenant & give the reference). Are the houses that these men occupy & for which the timber was meant, their own or temple houses in their occupation? If they pay Rs 24 the

NOTE—Contn. sheet.

GPB—50 000—13-5-08

Serial No.

seem to be holding them from a long time from the times of their ancestors in fact - and have been dividing them - among themselves like an ordinary inheritance. This fact is not denied by the local authorities.

The Statement put up showing the terms on which lands are held shows that the rent paid is a fixed one - consisting of cash as well as of grain. These two facts point to the conclusion that the tenancy is very likely a permanent one but it is just possible that old records - particularly those connected with the Inam Settlement - may throw some light on the origin of these tenures. It is requested that the Administrative Branch may clear up these matters by causing a further and fuller Enquiry to be made, as it is not possible to give a definite opinion on the points raised by the 2nd Councillor.

If the tenancy is a more "permanent tenancy" then, in the absence of a special agreement -

GPB—50 000—18-5-08

Serial No.

the occupants will be entitled to the trees standing on the lands. (Please See Allyme Law Reports Vol. VII pp (89-194). If, on the other hand, it is what is called a Mulagani tenure, then probably the terms of the original Contract will have to be ascertained ~~will be~~ — Else Custom will be the deciding factor (Please See 2. L. R. 7. Bom. 256 and 5 Allyme Law Repts. pp 203-205 — re definition and incidents of Mulagani tenure)

II

Regarding the power of the Deputy Comm. to recover arrears by Summary process and to impose fines, it is understood that the former is usually exercised in practice and as regards the latter I am not aware of any authority justifying the procedure. It is very doubtful whether the provisions of the Land Revenue Code can be said to apply. — Hon. I have not been able to get all the references on this point and it is requested that the file may kindly be sent over here for a further note, after the questions

If is unnecessary to write to this ~~is~~ now as the C. does not intend levying the fine. Please see his latest letter 25/10/09 SH

GPB—50 000—13-5-08

G.R.S. 12]
General and Revenue Secretariat.

Revenue File No. of 190

Serial No.

of the facts requiring to be cleared up have been ascertained

29. 6.09. SH.

To for the Mysore Branch

Expire 30/6/10 SH

— 1/7/(Rev)

1/7/09

Dft submitted 1/7/09

6 To, The Dy Commr, Shimoga dis Lr docket no 54 dy 8th July 1909

Calls for information on the points raised by Br IV in the previous pags of this office-note.

7. From, the same officer,

Letter no. 253/190 dy 2nd Decr 1909.

Submits further report on the subject.

(Paper under disposal)

The Dy. Commr reports that the upadhivantas hold the temple lands on condition of paying the stipulated gutta to the temple, that the houses in question are the private property of the upadhivantas and suggests that after the recovery of

NOTE—Contn. sheet.

GPB—50 000—18-5-08

G. S 12]
General and Revenue Secretariat.

Mug File No. 632 of 1908

Serial No.

the value of timber the logs may be made over to them.

Submitted.

10/11.12.09.

Forwarded to Branch III/IV for opinion.

Under Secretary.

11.12.09

Jmis 156

Sabd.

15/12

The Deputy Commissioner's letter is not very clear as to the nature of the tenure *. There is therefore nothing to add to what has already been noted on pp. 7&10. Please see also marginal note on p. 9.

25/12/09

To Mussoorie Branch

whether it is permanent or kulagami.

Sabd

Enquire whether the Mafidaris are permanent tenants or kulagami tenants.

3/1/1910

Submitted with a draft

8.1.1910

13/1/1910

SRS

NOTE—Contn. sheet.

BPG—5500—27-4-09

G. R. S. 12]
General and Revenue Secretariat.

File No. 632 of 1908

Serial No.

8. To, The Dy Commr, Shimoga Dist.
Docket no 1731 Dy 19.1.10
Enquires whether the upadhimantas are permanent tenants or mulageni tenants

9 From, The Tahsildar,
Letter no 88 Dy 31.8.1910.
Reports they are permanent and not mulageni tenants,
Submitted
MV 5.10.10 Forwarded to Br III for opinion
Abdul Razack
Under Sec'y (VII)
BG 5.10.10

Jonis 43-10
Recd 7.10.10

Subd
SR 7/10

The opinion already recorded applies please see p. 8 last para.
The Govt Advocate may also be consulted, as the question involved is not free from difficulty
28/10/10 SR
5 Dy 1/11/10
Dr to Br VII
Forwarded unofficially to Govt Advocate for opinion
Byrathnama
Abdul Razack
29.10.1910

NOTE—Contn. sheet

GPB—65,000—27.4.09

G. R. S. 12]
General and Revenue Secretariat.

File No. 632 of 1908

Serial No.

X.O.24
dated 5-11-10.

If the trees in question are of the reserved - kind, neither the temple nor the tenants (Upadivathas) have any right to them unless the terms of the Inam Sunnad issued to the temple specifically grants this right also. As between the temple and the tenants under them, the trees of the reserved kind go to the temple which has stepped into the shoes of Govern ent

2. If the tenancy be a perpetual one the tenant is entitled to trees which are not of the reserved kind. But this right of the tenant does not ext nd to indiscriminate cutting of trees (which is known by the expression "acts of waste") so as to render the property insufficient to realise the annual rent payable by the tenant.

3. The Upadivanthas are said to be permanent ---- lessees of the land. The felling and removal of the trees in the present instance are not alleged to be "Acts of waste" but seem to be the natural mode of enjoying the land in that part of the country. If the restrictions named above as to the kind of trees ~~and~~ and extent of the grant do not exist, the ----- Upadivanthas seem to be entitled to the trees in --- question. But I was not able to gather from the file definite information on these points.

5. 11. 1910

S. Narayana Rao
Govt. Advr.

7/11/10

Note—Contn. sheet.

GPB—55,000—27-4-09

Serial No.

The Second Councillor has put three queries.
(1). On what tenure do the Upadhiayas hold the land under the Temple? If they are permanent tenants i.e. mulgenidars are they entitled to cut timber?
(2) Do the trees, for which the timber is purposed to be used belong to the Temple or to the Upadhiayas?
(3) If the Upadhiayas buy the value of the timber, should they not be permitted to take it? Has the D.C. power to fine in this matter?

As regards the last point the D.C. has said this: — "The fine was imposed on the petitioners on account of their having felled the timber without authority; and the timber was confiscated and ordered to be sold by auction. Pending the final orders of Govt. on the petitioners application for a revision of the Govt. order No. 932 of 29. 8. 1908 the fine has not yet been levied and the timber has not yet been sold. The right of the temple to the timber on its known lands being recognised, the value of the timber may be recovered from the petrs. and the logs may be made over to them."
With reference to this the Asst. Collr. Br: III by
or H. is unnecessary to go into the point now as the D.C. does not intend to levy the fine.

NOTE—Contn. sheet.

GPB—55,000—27-4-08

G. R. S. 12]
General and Revenue Secretariat.

File No. 637 of 1907

Serial No.

Please see the latest letter"

The D.C. Low 3rd June's proposal is a modification of his first order. The first order which has expired was under the conveyancing Act

As regards this Act of 1907 it is said that this Lease belongs to the Upadhivan tea and not to the Taffe

As regards the first proviso the Assistant Secretary Br: III makes a distinction between perma. heal tenants and mulgeni tenants The D.C. says that the Upadhivan tea are permanent tenants and not mulgeni tenants

The Advocate Br III says that permanent "if this tenancy is a mere 'pure and tenancy' then, in the absence of a special agreement, the occupant will be entitled to the tree standing on the lands" (Mysore Law Reports Vol. X XVII pp. 189-194). If on the other hand it is what is called a mulgeni tenure then probably the terms of the original contract will have to be ascertained. The custom will be the deciding factor (Chandu Dhar 7 Bom 206 and 8 Mysore Law Reports pp 203-208 as definition and incidents of Mulgeni tenancy)

The first Advocate ~~is of~~ who has also been consulted is of opinion that "if this tenancy be a perpetual one the tenant is entitled

Marked A

B

NOTE—Contn. sheet.

GPB—55,000—27-4-09

Serial No.

which are under the reserved trees". The right however does not extend to indiscriminate cutting constituting what is known technically as 'acts of waste'. He adds that the cutting in this case is not an act of waste.

As regards reserved trees the Govt Advocate says that neither the temple nor the Appellants have any right to them such rights have been conceded at the Inam Settlement. If such right has been conceded the trees belong to the Temple and not to the tenant.

~~I am not sure that~~ about reserved trees This opinion does not appear to help us what we want to know is, ~~apparently~~ as I understood - Assuming that the trees on the land belong to the owner thereof does a permanent tenant, by reason of his tenancy, get a right to the trees?

Both the Govt advocate and the Asst Collr Br. III seem to be of opinion that he has such right provided that he does not cut indiscriminately.

~~If the reserved trees~~

The following trees have been felled:—

11. Nandi trees
1. Bilwara
3. Hunal
1. Nerle
1. Talani Total 17

A
Davis report to Rev. 2700/14.1.1908)

Note—Contn sheet.

GPB—55,000—27-4-08

G. R. S. 12]
General and Revenue Secretariat.

File No. 632 of 1908

Serial No.

B
T O Jr 0244 of 2 10 1901
1899 C Forest)

Cir. R 6539-Ft 50-05-7
of 9 4 1908)

Of these Nar or ~~and Bilwar~~ x of the reserved kin and Bilwar, Mulé and Hirad are classified here ~~as of the Acquired kind~~.

If there has been cut and left the Tapple and it is necessary, ~~to obtain a license to fell~~ Range officer ~~their Wings~~ ~~as~~ ordered by the Forest ~~from~~ in his

D
Memo dtd 499 of 20 1 06)

x circl No 499 of 20 1 1906, to obtain a license to fell these kinds this should be done by the Tapple the first Dept would have to be instructed with the case and ~~too~~ the District Forest Officer would not have fail the records of the Hinduka or Kanpur that the trees were on Inspected land.

E

Jadash dtd 374 of 12 5 1905)

2016 Submitted to the Advocate General

Abdulmajee

11/11/1916

876 The timber was cut more than 6 years ago, and must have by this time become useless It Consisted of Nandi and Jalari (reserved trees) and some unreserved trees. I believe the Govt Advocate is ~~of~~ not right in saying that reserved trees standing on ~~occupied~~ unoccupied lands

Note—Contn sheet.

GPB—55,0 9—27-4 09

are the property of Govt unless granted to the inamdars. That was the rule before the introduction of the Survey Settlement. At present the restriction applies only to Sandal. The Forest Department has therefore rightly disclaimed all interest on behalf of Govt.

The Dy Cr in the above Dept ordered that the estimated value of the timber (Rs 24-8) be recovered, that the timber itself be sold and that the proceeds be credited to the funds of the Temple. If the tenants of temple lands do not pay the rent due, we cannot recover the dues by summary process prescribed in case of arrears of land revenue. It is difficult to see how compensation for damage done by a tenant by cutting trees or committing what are known in legal language as acts of waste, can be so recovered. The Dy Cr's order has not only

1/2-1911 A The Survey Dept. has practically reserved in the reserved trees which trees when became the property of the inamdars.

Note—Contn sheet.

G. R. S. 12]
General and Revenue Secretariat.

File No. 632 of 190 7

Serial No.

done this, but has inflicted (though not a fine) a penalty of confiscating the timber cut also for the benefit of the Temple. The recovery of the price or the seizure of the logs may perhaps be supported on the ground of Govt taking what is its due, but both acts cannot be supported in the absence of proper legal authority.

The report about other places goes to show that the claim of the tenants cannot be rejected as extravagant in itself But as they have not adduced any satisfactory proof, perhaps it may be held that the timber properly belonged to the Temple. There is little use in prolonging this case, as the logs have probably become worthless by this time.

by directing any further enquiry

In my opinion, the S-A

Note—Contn sheet

GPB—5-9-01—2,404

G. R. S. 12]
General and Revenue Secretariat.

File No. 632 of 1908/2

Serial No.

confirming the D.C.'s order must be revised. Strictly, he must set aside the D.C's order altogether as being ultra vires. But if that is not approved (as going too far), it may be modified (as a substantially just course), so as to give the appellants the option of either retaining the logs and paying the price, or giving up the logs which may be sold for the benefit of the Temple.

Dewan

22/11/10

Submitted to Dewan
Ambabhaya
22 11 10

with the following books
1) Indian Law Reports (Bombay series) Vol VII
2) Mysore Law Reports Vol XVII of 1894
3) Mysore Law Reports Vol VIII of 1895

8953
29.11.10.

29.11.10.

Law incharge to remark that the order by 2nd report the case is substantially correct -

Dewan

The case seems to have gone up

+ See Note-sheet

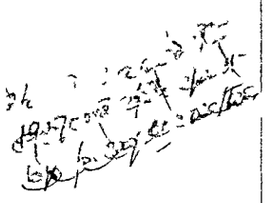
GPB—850,IV—2-4-08

R. S. 12]
General and Revenue Secretariat.

File No. 632 of 190 7

(21

Serial No.



No appeal in the first instance to the Rev: Commr. The petition does not appear on the record. The order is

17/12/1910

No doubt an appeal was preferred to the Rev: Commr and he calls for a copy of it also. On receipt of it however he returned the petition to the parties saying that he had no jurisdiction in the matter. The same petition was presented in person by the parties to the Secy, Mysore Govt and further action was taken (Vide petn marked A)

In Council Section

Abdulkareem

20/12/1910

NOTE—Contn. sheet.

BPG—55,000—27-4-09

C 158
21 12 10 21 A

Mesc 632 - 08

GENERAL AND REVENUE SECRETARIAT.

COUNCIL MATTER

SUBJECT

Petition of Putta Jois and Upadhyayulus of the Sri Rameswara Devaru temple at Kalade, Sagar, praying that the Govt. Order of 29th August 1908 confirming the Shimoga Deputy Commr's decision in the matter of the right of the petitioners to cut the reserved trees standing in the Inam lands of the temple may be reconsidered.

CIRCULATED TO COUNCILLORS.

By order,

C S Balasundaram Jr
Offg Secretary to Government.

21st Decr 1910

K. P. PUTTANNA CHETTY, Esq.,
First Councillor.

Left by in Cr

H. V NANJUNDAYYA, Esq., M.A., M.L
Second Councillor.

Opinion recorded

GBPM—946 10—300

21 b

Mag 632 - 08

G.R.S. 15]

Facing sheet for Cases included in the schedule appended to Notification No. 36 of the 8th Aug. 1902.

GENERAL AND REVENUE SECRETARIAT

SUBJECT

Petition of Putta Jois and Upadhivarulas of the Sri Rameswara Devaru temple at Kalade, Salgar, praying that the Cof 0 of 29th August 1908 confirming the Shimoga Dy. Com's decision in the matter of the right of the petitioners to cut the reserved trees standing in the Inam lands of the temple may be reconsidered

	Date	Initial of Officer himself or responsible Deputy
Received in the Secretariat ...		
Submitted to Secretary ...		
Submitted by Secretary to Dewan or Councillor in charge ...		
Returned to Secretary ...		
Circulated by Secretary for Council ...	21-12-10	
Forwarded by Councillor ...		
Forwarded by Councillor ...		
Received in Secretariat ...		
Considered in Council ...		
Submitted to the Dewan ...		
Submitted to His Highness ...		
Orders passed by His Highness ...		
Final Orders issued ...		
Circulated to Councillors ...		
Passed on by the Councillor ...		
Returned to Secretary by Councillor ...		

GBPM—8-6-1910—300

G. R. S. 12]
General and Revenue Secretariat.

File No. 632 of 1908

Serial No.

1807
22.12.08

So long as the rights of the Temple to the reserved trees standing on the Devadayam lands of the Temple is affirmed I have no objection to the Cancelment of the alternative which is imposed as an additional punishment the Temple is

A

NOTE—Contn sheet

GPB—55,000—27-4-08

G. R. S. 12]
General and Revenue Secretariat.

File No. 632 of 1908

Serial No.

under Mayor's Management and the levy of the estimated value of the trees unauthorizedly cut by the Upadivantas was directed not under the Land Revenue Code, but as a measure of discipline, the Upadivantas being under the disciplinary control of the Taluk Amildar. In this view the double punishment cannot be held to be illegal though it appears somewhat excessive at first sight. If they had been allowed to take the timber for Rs. 24/8/-, then unauthorized act would have gone unpunished

14/11
22/12/10

Dewan
23/12/10

9492
31.12

I agree in the order of 1908 keep file

VII
22/12/11

5/1 Submitted to Executive Council

13/1/1911

31/1/11

Note—Contn sheet

GPB—3[illegible]—7.4.09

G. R. S. 12]
General and Revenue Secretariat.

File No. 632 of 1908 396

Serial No. 1575

At the end of my note d. 23.11.10, I have given what I consider to be the correct course & involving the minimum of interference with the previous order of Govt. The 1st Counsellor also seems to agree to a modification to some extent. The Dewan is for leaving the original order as it is and altogether rejecting the Petn. I am content that any order that is considered suitable in the Circs may be passed.

27/2/11

Please put up two drafts
(1) modifying the order of 1908 to the extent agreed to by the 1st Cr at the beginning of the note of 22/12/10 (See portion marked A); and
(2) declining to reconsider the order of 1908;
& submit to Dewan for orders.

3/1/1911

1 3 11

NOTE.—Contn sheet.

GPB—55,000—27-4-09

G. R. S. 12]
General and Revenue Secretariat.

File No. 6397 of 1908 & 390

Serial No.

Submitted with a Dft. as indicated

AG
3 3 1911

Submitted to Dewan

The difference of opinion in this case is in my humble opinion, more apparent than real.

The order of 1908 says that the petrs have not made out any right in the lots and that the Value realised from them should be ~~deducted from the~~ credited to the Taple.

This, so far as it goes, is quite Correct

The Dewan and Councillors are agreed on this point (Vide Nos. 19, 20 & 21)

This disposes of one item of complaint.

The second is that the Dy Comr wants to levy the Value of the lots from the petrs as a fine and also to sell the lots. Both the Councillors say that this would be a hardship - & hence their View is acceptable to the Dewan also.

The draft submitted may be approved.

~~I do not think~~

10 I admit I should have, before submitting to Second Councillor on 23/2/1911, made this clear and put up a draft.

Ahmbhenayya

3/3/1911

10520
14.3.11

By the word "fine" I understand Not a penalty in the sense of the word

NOTE.—Contn sheet.

GPB—55,0 XI—27-4-09

G. R. S. 12]
General and Revenue Secretariat.

File No. 632 of 1908

Serial No.

word used in the Indian Penal Code but a fee payable by the Subordinate tenant to the landlord — The sale proceeds of the trees are to represent their market value as felled timber, & the "fine" to represent the loss sustained by the landlord by standing timber being felled — Where a wrong has been done it is too nice to discriminate in the case of pain inflicted on the wrong doer to say that a little more is a hardship, & a little less is the precise amount —

Sd/ [illegible]
Dr

Submitted to Secretary

I thought that I had satisfactorily explained this matter and therefore put up a draft opposing the Dewan's opinion that this rule of 1908 should not be altered though the W.S.Cs recommend it.

In next endt Submitted

Sd/ [illegible]
21/3/1911

2nd Dr

1457 The Dewan's order may be carried out. 22/3/11

Sd/ [illegible]
28/3/1911

Note—Contn. sheet.

25/3/11

GPB—55,900—[illegible]

G. R. S. 12]
General and Revenue Secretariat.

File No. 632 of 1908

Serial No. 10

No. Puttajois (Parte)
No. 2530 & 3 & 4 1911.
Inform me that Govt. do not see any reason to interfere the decision in the case, and accordingly reject the revised appln.
To
The Dy Comr. Shimoga Date
No 2531 & 3 & 4 1911
Forwards copy of the above with reference & & & and also returns the records connected with the case

NOTE—Contn sheet

GPB—5,000—27 4 13

ನಿಂತಿದ್ದರಿಂದ ಕಾರಿಗೆ ಸ್ವಲ್ಪ ಅಪಘಾತವಾಗಿದ್ದು

ಮಾತ್ರ ನಿಜ.

4 ನನ್ನ ಕಡೆಯ ನಾವು ಸಾಕ್ಷಿಗಳಿಂದ ಅಫಿಡವಿಟ್‌ಗಳನ್ನು
ಅಂದರೆ ವಿಚಾರಣೆಯ ಸಮಯದಲ್ಲಿ ಸಾಕ್ಷಿಯಾಗಿ ಅಫಿಡವಿಟ್
ನಮ್ಮ ಪರವಾಗಿ ಅಂತಿಮ ಸಾಕ್ಷಿಗಳನ್ನು ಹೇಳಿಕೆಗಳನ್ನು
ಮಾಡಿಸಿದ್ದೇವೆ — ಈ ಅಫಿಡವಿಟ್‌ನಲ್ಲಿ ಅಪಘಾತವಾದ
ಸಮಯದಲ್ಲಿ ನನ್ನ ಕಕ್ಷಿದಾರರು ಹಾಗೂ ಪ್ರತಿವಾದಿಯ
ಕಾರು ಚಾಲಕರು ಇದ್ದರು ಎಂಬುದನ್ನು ಸಾಕ್ಷಿಗಳು
ಹೇಳಿಕೆಯನ್ನು ಕೊಟ್ಟಿದ್ದಾರೆ.

5 ಹಾಗೆಯೇ ಅಪಘಾತವಾದ ಸಮಯದಲ್ಲಿ ನನ್ನ ಕಕ್ಷಿದಾರರು
ಪ್ರತಿವಾದಿಯ ಮೂಗಿನ ಮೇಲೆ ಬಲವಾಗಿ ಗುದ್ದಿದ್ದರಿಂದ
ಪ್ರತಿವಾದಿಯ ಮೂಗಿನಲ್ಲಿ ರಕ್ತ ಸೋರಿತ್ತು ಎಂದು
ಸಾಕ್ಷಿಗಳು ಹೇಳಿಕೆಯನ್ನು ಕೊಟ್ಟಿದ್ದಾರೆ. ಆದರೆ ಪ್ರತಿವಾದಿಯ
ಕಡೆಯ ಸಾಕ್ಷಿಗಳು ಅಪಘಾತವಾದ ಸಮಯದಲ್ಲಿ ನನ್ನ ಕಕ್ಷಿದಾರರು
ಪ್ರತಿವಾದಿಯ ಕಾರಿನ ಚಾಲಕರಾಗಿದ್ದರು ಎಂದು ಸುಳ್ಳು
ಹೇಳಿಕೆಯನ್ನು ಕೊಟ್ಟಿದ್ದಾರೆ.

6 ಪ್ರತಿವಾದಿಯ ಸಾಕ್ಷಿಗಳು ಹೇಳಿದ ಸಮಯದಲ್ಲಿ ನನ್ನ ಕಕ್ಷಿದಾರರು
ಕಾರು ಚಾಲಕರಾಗಿದ್ದರು ಎಂಬುದಕ್ಕೆ ಯಾವುದೇ ಸಾಕ್ಷಿಗಳು
ಹೇಳಿಕೆಯನ್ನು ಕೊಟ್ಟಿಲ್ಲ. ಆದ್ದರಿಂದ ಪ್ರತಿವಾದಿಯ ಸಾಕ್ಷಿಗಳು
ಅಪ್ಪಟ ಸುಳ್ಳು ಹೇಳಿಕೆಯನ್ನು ಕೊಟ್ಟಿದ್ದಾರೆ ಎಂಬುದು
ಸ್ಪಷ್ಟವಾಗಿದೆ.

3986
Urgent

G.R.S. 29A]

190 .

From

Secy to the Govt of His Highness
The Maharaja of Mysore,
Genl and Rev. Dept.

To

The Dy Commr
Shimoga Dist

Dated

Despatched

Received

General No
No

ENCLOSURE No.

Has the honour to request the re-transmission of the Vernacular records forwarded under Cover of Govt Secs no. 932 dated 29th August 1908, in connection with the Review-application of Sutla gois and others of Keladi which is to come off for hearing on the 5th proximo.

By order
22.11.1910

GPB--10,000--9.4.06.

D 31

1908 62-07. 63-208-3

From K. Chandy Esquire, I.A.S.
Off Deputy Commissioner
Shimoga District

To K. S. Chandrasekhara Iyer Esq.
Secretary to Government
General and Revenue Depart

Dated 3? December 1908
Despatched

Received

General No. 315
No. 183

Enclosure No. 1 file

In continuation of this office letter No. $\frac{314}{732}$ dated 2? instant forwards the vernacular records relating to the Review applicatio of Putta Jois and others of Kelade

4/c 315/183-En/file

Deputy Commissioner's Office
Shimoga, 3d. December 1908

From,

K. Chandy Esquire, B.A.
Off. Deputy Commissioner
Shimoga District

To,

K. S. Chandrasekhara Iyer Esquire, B.A., B.L.
Secretary to Government
General and Revenue Departments

Sir,

In continuation of my letter No. 314/182 dated 2? December 1908, I have the honor to forward herewith the vernacular records relating to the Review application of Putta Jois and others of Keladi received today with the Sagar Sub-Divisional Officer's letter No. 280 dated 30th November 1908.

I have the honor to be
Sir
Your most obedient Servant

K. Chandy

Off. Deputy Commissioner
Shimoga Dist.

D 1537

5

632-08

File No. 607

Serial No 4

G.C.S. 26]

Diary No. of letter replied to ——

No. 137

General and Rev. Secretariat

( )

, *the* 190 .

To

The Dy Commr

Shimoga Distt

Sir,

Date of issue 20.1.1909

Signed by [illegible]

Adverting to your letter no 315/183 dated 3d December 1908 submitting the Vernacular records relating to the recovery of the value of certain timber ~~trees~~ trees on the Inam lands in the Khata of Sri Rameswara Devaru at Keladi in the Sagar Taluk, I am directed to state that Putta Gouda and Sankarappa who were heard on the 9th instant represent that it is the practice for Upadhivantas who enjoy temple lands

over.

SUBJECT.

appropriate the trees thereon and that this practice is followed in connection with temple lands at Chandragutti and Shikarpur I am to request that you will be so good as to enquire and report if the alleged practice prevails

2) The records are herewith returned for reference and re-submission

I have etc

Dft) M. 16.1.[illegible]

for Secretary.

List of enclosures.

Copied by

Examined by

MGCPB—20,000-19-12—04

D 1537

~~193~~ Forests F-632-08-5

From Mr Narasimha Iyengar
Deputy Commissioner
Shimoga Distt

To Rao Chandrasekhara Iyenkar
Secretary to Government
Home under Department

Dated 11th Mysore Branch

Despatched May 1909

Received

General No. 605

No 1191

Enclosure No 2 & 1 file

With reference to his No 729 M. 62-1907 of 20th January 1909, forwards Copies of the dockets received from both the Sub-Dn officers on the subject of the practice obtaining in this District in the matter of appropriating trees on the Inam lands.

AE
Refer
Manchanmukha
W 18/2/09

605
M.91 Encl & file

Deputy Commissioner's Office
Chimaga, 11th May 1909

From,

M. Narain Rao Esquire
Deputy Commissioner
Chimaga District

To,

K. S. Chandrasekhara Iyer Esquire, B.A.B.L.
Secretary to Government
General and Revenue Department
Mulgrai Branch

Sir,

In resubmitting herewith the entire Kannada correspondence received with your letter No. 729/Miscl 62-1907 of 20th January 1909 calling for a report on the subject of the practice obtaining in this District in the matter of appropriating trees on the Inam lands in the Khata of Sri Rama Devaru at Kelade in the Sagar Taluk I have the honor to state that the Sub-Division Officer, Sagar, reports in his M 607 of 28th April 1909 that Upadhivantas who enjoy temple lands appropriate trees thereon, while the Sub-Division Officer, Chimaga, reports in his M. 408 of 1st March 1909 that the Upadhivan- obtain permission prior to removing such

Copies of the dockets received from

both the Sub-Division Officers referred to above are forwarded for reference.

I have the honor to be
Sir
Your most obedient Servant

[illegible]

In Deputy Commissioner
[illegible]

From,

M. Srinivasa Murthi Esquire
Assistant Commissioner
Sagar Sub-Division

To,

M. Narain Rao Esquire
Deputy Commissioner
Shimoga District

Dated 26th April 1907
Despatched 29th do
No. 607 Rec: 2

His No. 3172-73 dated the 1st February 1907 calling for the submission of certain information as to what the practice is at Chandragutti and Shikarpur in the matter of utilization by Upadhivantas of trees standing in Inam lands endowed to temples at those places.

Has the honor to state that the Sorab Amildar reports that the trees in those lands are taken by the Upadivants while in Shikarpur only the usufructs are enjoyed by them.

The reports from Sorab and Shikarpur Amildars as noted in the margin are enclosed for information

Copy

(Sd) M. Srinivasa Murthi
Asstt Commissioner

Commissioner

Sorab Amildar's No. 873 dated 17th April 1907
Shikarpur Amildar's No. 1078 dated 17th April 1907

From,

T. Thimmoo Chetty Esqre, AA
Assistant Commissioner
Shimoga Sub division

To,

M. Narain Rao Esqre
Deputy Commissioner
Shimoga district

Dated 1st March 1909
No. 408

His docket No. 3172-73 dated 1st February 1909 forwarding copy of letter No. 729/Miscl 62-07 dated 20th January 1909 from the Secretary to Government, regarding the practice of Upadivantas who enjoy Temple lands to appropriate the trees thereon and enquiring whether the practice prevails in the Shikarpur Taluk.

—

In reply has the honor to state that the practice referred to is not in vogue in the Shikarpur Taluk. The Upadivantas duly obtain permission for the removal of such trees.

"Copy" (Sd) T. Thimmoo Chetty
Assistant Commissioner
Shimoga Sub-Dn

A. D. — — —
For Deputy Commissioner

Dft as for cis. under 11

Muz. 1]

190

From

To

The Dy. Commr
Shimoga Dist

Dated

Despatched 8.7.1909

Received

General No. 52

Muz-7. No. 632-09-6

Enclosure No. 1

Adverting to his letter no 605 dated 11th may 1909 submitting further report on the review-petition of Putta Jois and certain other servants of Keladi Rameswara Devaru Swamy temple regarding certain Trees felled by them, has the honor to request to be furnished

GPb—8,000- 19-9-07

12

information on the points noted below.—

1) On what ~~kind of~~ tenure the petitioners and their forefathers hold the lands under the temple?

2) Are the houses that these men occupy and for which the timber was wanted, their own or temple houses in their occupation? and

3) Why has the Dy. Commr ordered the logs to be sold by auction and credited to the temple?

2 Mr Dy Comr who reported why & by whose sanction Should the timber & the logs be sold by auction & credited to the temple

4) The vernacular records are herewith returned for reference and re-submission together with detailed information called for above.

By order,

DVR) for Secretary

ಪ 1063

Muz 632 1909-10 C E — 7

From

M.Narain Rao Esquire,

Deputy Commissioner,

Shimoga District.

To

K.S.Chandrasekhara Iyer,Esq.B.A. B.L.;

Secy.to the Govt. of His Highness the Maharaja of Mysore,

Genl.& Rev. Dept.

Dated

Despatched 2nd December 1909.

Received

General No. 255

No. 170.

Enclosure No.

In reply to his lett r No.54 Muz.F. 632-08 dated the 8th July 1909,reports that the Upadhivantas of the Sri-Rameswaradevaru Temple at Keladi in the Sagar Taluk hold the Inam lands on certain conditions.

Refer - Call for note / forward
Ag
Sec
Recd 10 12

55
170

Office of the Deputy Commissioner,

Dated Shimoga, 2nd December 1909.

From

M. Narain Rao, Esquire,
Deputy Commissioner,
Shimoga District.

To

K.S.Chandrasekhara Iyer, Esq. B.A.,B.L.,
Secretary to the Government of His Highness
the Maharaja of Mysore,
General and Revenue Departments.

Sir,

In reply to your letter No.54 Muz.F.632-08 dated the 8th July 1909, I have the honour to report that the - Upadhivantas of the Sri Rameswaradevaru Temple at Keladi in the Sagar Taluk hold the Inam lands under the temple on the condition of each of them paying 24 Chitni kandies of paddy to the temple, together with Local Cess proportionate to the assessment of the lands held by them. Thus, the holders of Survey No. 182 pay 39 kandies, those of Survey No.184, fortysix kandies and those of Survey No. 193, twenty three and a half kandies of paddy to the temple.

2. The houses for the construction or repair of which the petitioners felled timber standing on their Upadhi lands are their private property and do not belong to the temple.

3. The fine was imposed on the petitioners on account of their having felled the timber without authority, and the timber was confiscated and ordered to be sold by auction. Pending the final orders of Government on the petitioner's application for a review of the Government order No.932 of the 29th August'08, the fine has not yet been levied and the timber has not been sold. The right of the temple to the timber on its Inam lands being recognized, the value of the timber may be recovered from the petitioners and the logs may be made over to them.

I have the honour to be,

Sir,

Your most obedient servant,

M Narain Rao

Deputy Commissioner,

Shimoga District.

G.R.S. 29A]

14

190 .

From

Secy. to the Govt of His Highness
The Maharaja of Mysore,
Genl. and Rev. Dept.

To

The Dy Commr
Shimoga Dist

Dated

Despatched 19-1-1910.

Received

General No 1731

No. Misc. 7 639-08-1

Enclosure No.

Adverting to his letter my no 255/170 dated 2d Decr 1909 to submitting further report on the renew-petition of Putta gois and certain other servants of Keladi Ramesvara Devasthana temple regarding certain trees felled by them, has the honor to request to be informed whether the upadhimandas are permanent servants or mulagadhu servants.

By order,
11/1/1910
for Secretary

GPB--10,000—9-4-06.

1910-11 F 632-08-9

From K. Srinivasa Rao Esqr
Deputy Commissioner
Shimoga Dist

To C. S. Balasundaram
Secretary to Government
General & Revenue
Muzrai Branch

Dated

Despatched 31 August 1910

Received

General No. 88

No. 20

Enclosure No. file

With reference to
docket no. 1731/Muz 7
632-08-8 dated 19th January
1910 re the tenancy rights
of Upadhivantas of Sri
Ramaswaraswamy
temple lands at Kaladi, states
that they are permanent
tenants and are not
mulagani tenants.

Contra note
RG
2/9/10

GPB—70 1cams—27 12 09

No 84 dis file
20

Deputy Commissioner's Office,
Shimoga District
Shimoga 31st August 1910

From.
K. Srinivasa Rao Esqr
Deputy Commissioner
Shimoga District

To. C. S Balasundaram Iyer Esqr BA
Secretary to the Government
of Mysore General & Revenue
Departments
Muzrai Branch.

Sir,

With reference to your docket no. 1731/Muz. 7. 632-08-8 dated 19th January 1910 re the tenancy rights of the Upadhivantas of Sri Rameswara Swamy at Kiladi in the Inamdar's question, I have the honor to state that the Sub Division Officer Sagar, reports that upadhi-, are permanent tenants

and

and are not mulgeni tenants.

The file of Connected Vernacular
papers is herewith Submitted

I have the honor to be

Sir,

Your most obedient Servant

R Lonnie

Deputy Commissioner

Shimoga District

CRS

No. 2530
Mis. 637-08-10

Diff. as per order

G.R.S. 27

GENERAL AND REVENUE SECRETARIAT.

(Continuation Sheet draft form.)

[illegible]

[illegible]

[illegible]

12

No 2531 Dt. 26/4/911

Mun 632-08-10

Copy to the Dy. Comm.r Shimoga for info. The records received with correspondence ending with his letter no. SW 20 dt 31st August 1910.

By order,

4/5/1911

for Dy. Secretary

1/4/11

No. 8 To the Same No 1731 d 19.1.1910

Enquiries whether the Upadhi
-vantas are permanent
tenants or daily tenants

Sly From the same No $\frac{28}{20}$ d 31.8.10

States that they are permanent
tenants -

No 10 Cmdl No 2530 d 3.4.1911 to Subba
Joisan & 2 Thers of Kalasa.

Rejects the review petn
as there are no sufficient
grounds to interfere the
decision already passed.

To. The Revenue Dhenaya Pati

No 2531 d 3.4.1911

Forwards copy of the
above

Mukadam Accountant
Recorder